

general election, to be held on the first Tuesday after the first Monday in November, 1884, approved April 9, 1883."

Read first time and referred to committee on judicial districts.

Also House bill No. 590, entitled "An act to amend an act entitled an act to grant a new charter to the city of El Paso, approved March 2, A. D., 1889."

Read first time and referred to committee on Incorporated Cities and Towns.

Also House bill No. 594, entitled "An act to grant a new charter to the city of El Paso."

Read first time and referred to committee on Incorporated Cities and Towns.

Senator Carter moved to adjourn to 10 a. m. tomorrow.

Adopted by the following vote:

YEAS—16.

Atlee,	Harrison,	Mott,
Clemens,	Johnson,	Pope,
Crane,	Kimbrough,	Simkins,
Carter,	Lubbock,	Sims,
Glasscock,	Maetze,	Tyler,
Garwood,		

NAYS—10.

Burney,	Finch,	Page,
Clark,	Kearby,	Stephens,
Cranford,	Potter,	Whatley,
Frank,		

FIFTY-EIGHTH DAY.

SENATE CHAMBER,
TWENTY-SECOND LEGISLATURE,
Austin, Texas, March 21, 1891.

The Senate met pursuant to adjournment.

Lieutenant-Governor Pendleton in the chair.

Roll called.

Quorum present.

The following Senators answering to their names:

PRESENT—22.

Burney,	Garwood,	Page,
Clark,	Glasscock,	Pope,
Crane,	Harrison,	Simkins,
Carter,	Johnson,	Stephens,
Cranford,	Kimbrough,	Sims,
Frank,	Maetze,	Tyler,
Finch,	Potter,	Whatley,
		Weisiger,

ABSENT—None.

Prayer by the chaplain, Dr. Smoot.

Pending the reading of the journal of yesterday, on motion of Senator Stephens the further reading of the same was dispensed with.

PETITIONS AND MEMORIALS.

By Senator Sims:

Petition of Taylor county alliance against the Governor appointing the railroad commissioners and favoring their election.

Read first time and referred to committee on Internal Improvements.

By Senator Burney:

Petition from citizens of El Paso county, town of San Elizario, asking the repeal of the charter of the town of San Elizario.

Read first time and ordered to lie on table to be considered in connection with House bill No. 565.

By Senator Carter:

Memorial of citizens of Tarrant county against Swayne's abstract bill.

Read first time, and referred to Judiciary committee No. 1.

The following reports were handed in from their respective committees:

COMMITTEE ROOM,
Austin, March 20, 1891.

Hon. Geo. C. Pendleton, President of the Senate:

Sir—Your Judiciary committee No. 1, to whom was referred

Substitute House bill No. 136, being "An act making abstracts of land titles, or land title abstract books to lands in the State, compiled from the records of any county in the State (prior to the year 1877), which said records were partially or wholly destroyed or lost from any cause (during the month of March, 1876, competent (prima facie) evidence of the truth of the data or memoranda shown by such abstracts of land titles, or land title abstract books, subject to certain conditions,"

Have had the same under consideration and I am instructed to report the same back to the Senate with the recommendation that it do not pass.

POPE, Chairman.

COMMITTEE ROOM,
Austin, March 20, 1891.

Hon. George C. Pendleton, President of the Senate:

Sir—Your Judiciary committee No. 1, to whom was referred

House bill 569, being "An act to restore to and confer upon the county courts of Travis and Bandera counties the civil and criminal jurisdiction heretofore belonging to the said courts under the Constitution and general laws of the State, and to conform the jurisdiction of the district court of said counties to such change and to repeal all laws in conflict with this act."

Have had the same under consideration, and I am instructed to report the same back to the House with the recommendation that it do pass.

POPE, Chairman.

COMMITTEE ROOM,
Austin, March 20, 1891.

Hon. George C. Pendleton, President of the Senate:

Sir—Your Judiciary committee No. 1, to whom was referred

Substitute House bill Nos. 3, 6, 89, 91, being "An act to regulate assignments for the benefit of creditors to declare what acts shall operate as assignments and to prescribe rates for administering same,"

Have had the same under consideration, and I am instructed to report the same back to the House with the recommendation that it do pass.

POPE, Chairman.

COMMITTEE ROOM,
Austin, March 20, 1891.

Hon. Geo. C. Pendleton, President of the Senate:

Sir—Your Judiciary committee No. 1, to whom was referred Senate.

House bill No. 563, being "An act authorizing principals and sureties on different official bonds to be joined as defendants in one and the same suit, and suits on official bonds to be instituted in the name of the State alone."

Have had the same under consideration, and I am instructed to report the same back to the House with the recommendation that it do pass.

POPE, Chairman.

COMMITTEE ROOM,
Austin, March 20, 1891.

Hon. George C. Pendleton, President of the Senate:

Sir—Your Judiciary Committee No. 1, to whom was referred

Substitute House bills Nos. 34 and 54, being "An act to amend article 1272, chapter 9, title 29 of the revised civil statutes of the State of Texas."

Have had the same under consideration, and I am instructed to report the

same back to the House with the recommendation that it do not pass.

POPE, Chairman.

ORDER OF THE DAY.

Senate bill No. 354, entitled "An act for the relief of Kate Chambers Sturgis and Stella J. Chambers, only children of General Thomas J. Chambers, deceased."

Read second time with a favorable committee report.

Senator Page moved to postpone the bill until next Saturday.

Adopted.

Senate bill No. 359, entitled "An act to incorporate the city of Denison, Grayson county, Texas, and to fix the boundaries thereof and to provide for its government and the management of its affairs."

Read second time with a favorable committee report.

Senator Potter offered the following amendment:

Amend by adding the following to end of section 149: Said school trustees shall be free holders and qualified electors in the wards from which they are elected.

Adopted.

The bill was ordered engrossed.

Senator Potter moved to suspend the constitutional rule requiring bills to be read on three several days and that the bill pass to a third reading and final passage.

Adopted by the following vote:

YEAS—22.

Burney,	Glasscock,	Potter,
Carter,	Harrison,	Simkins.
Clark,	Johnson,	Sims,
Crane,	Kimbrough,	Stephens,
Cranford,	Maetze,	Tyler.
Finch,	Page,	Weisiger,
Frank,	Pope,	Whatley.
Garwood,		

NAYS—None.

Bill read third time and passed by the following vote:

YEAS—21.

Burney,	Garwood,	Potter,
Carter,	Harrison,	Simkins,
Clark,	Johnson,	Sims,
Crane,	Kimbrough,	Stephens,
Cranford,	Maetze,	Tyler,
Finch,	Page,	Weisiger.
Frank,	Pope,	Whatley.

NAYS—None.

By consent, Senator Pope introduced the following bill:

A bill to be entitled "An act to pun-

ish persons for failing or refusing to pay their poll tax."

Read first time and referred to Judiciary committee No. 2.

House bill No. 306, entitled "An act to make valid the adoption by the city of Cleburne on the 12th day of October, A. D. 1875, of the general incorporation act of this state, approved March 15, 1875, in lieu of its special charter granted May 3, 1871, and to remedy any defects and irregularities therein."

Read second time with favorable committee report and postponed subject to call.

House bill No. 526, entitled "An act to be entitled 'An act to create a more efficient road system for the counties of Grayson, Dallas, Galveston, Brown, Comanche, Mills, Fannin, Travis, Hunt, Hill, Collin, Denton, Kaufman and Fayette, in the state of Texas, authorizing the employment of a road commissioner, defining his duties, prescribing penalties for his failure to perform his duties; and further defining the powers of the commissioners courts of the said counties under this act.'"

Taken up on second reading, read second time with the following committee amendments:

Amend section 1, page 2, line 15, by striking out "upon" and insert "for" instead.

The amendment was adopted.

Senator Finch offered the following amendment:

Strike out Collin and Denton counties wherever they appear in the bill or caption.

Adopted.

Bill passed to a third reading.

Senator Kimbrough moved to suspend the constitutional rule requiring a bill to be read on three several days, and that the bill pass to a third reading and final passage.

Adopted by the following vote:

YEAS—21.

Burney,	Garwood,	Potter,
Carter,	Harrison,	Simkins,
Clark,	Johnson,	Sims,
Crane,	Kimbrough,	Stephens,
Cranford,	Maetze,	Tyler,
Finch,	Page,	Weisiger,
Frank,	Pope,	Whatley.

NAYS—None.

Bill read third time and passed by the following vote:

YEAS—22.

Burney,	Glasscock,	Potter,
Carter,	Harrison,	Simkins,
Clark,	Johnson,	Sims,
Crane,	Kimbrough,	Stephens,
Cranford,	Maetze,	Tyler,

Finch,	Page,	Weisiger,
Frank,	Pope,	Whatley.
Garwood,		

YEAS—None.

House bill No. 546, being "An act to amend section 2, of an act to incorporate the town of Castroville, approved January 16, 1850."

Read second time with a favorable committee report.

Bill passed to a third reading.

Senator Burney moved to suspend the constitutional rule requiring a bill to be read on three several days and that the bill be put upon its third reading and final passage.

Adopted by the following vote.

YEAS—23.

Burney,	Glasscock,	Potter,
Clark,	Harrison,	Simkins,
Clark,	Johnson,	Sim,
Crane,	Kearby,	Stephens,
Cranford,	Kimbrough,	Tyler,
Finch,	Maetze,	Weisiger,
Frank,	Page,	Whatley.
Garwood,	Pope,	

NAYS—None.

The bill was read a third time and passed by the following vote:

YEAS—23.

Burney,	Glasscock,	Potter,
Carter,	Harrison,	Simkins,
Clark,	Johnson,	Sims,
Crane,	Kearby,	Stephens,
Cranford,	Kimbrough,	Tyler,
Finch,	Maetze,	Weisiger,
Frank,	Page,	Whatley.
Garwood,	Pope,	

NAYS—None.

House bill No. 565, entitled "An act to incorporate the town of San Elizario, of El Paso county, passed by the Twentieth Legislature," approved April 5, 1887.

Read second time with a favorable committee report.

Bill passed to third reading.

Senator Burney moved to suspend the constitutional rule requiring a bill to be read on three several days, in each House, and that the bill be put upon its third reading and final passage.

Adopted by the following vote:

YEAS—21.

Burney,	Glasscock,	Potter,
Carter,	Harrison,	Simkins,
Crane,	Johnson,	Sims,
Cranford,	Kimbrough,	Stephens,
Finch,	Maetze,	Tyler,
Frank,	Page,	Weisiger,
Garwood,	Pope,	Whatley.

NAYS—None.

Bill read third time and the following vote was taken:

YEAS—20.

Burney,	Glasscock,	Potter,
Carter,	Harrison,	Simkins,
Crane,	Johnson,	Sims,
Cranford,	Kimbrough,	Stephens,
Finch,	Maetze,	Tyler,
Frank,	Page,	Whatley.
Garwood,	Pope,	

No quorum voting.

On motion of Senator Kimbrough, a call of the Senate was ordered.

The following Senators answered to their names:

PRESENT—21.

Burney,	Glasscock,	Potter,
Carter,	Harrison,	Simkins,
Crane,	Johnson,	Sims,
Cranford,	Kimbrough,	Stephens,
Finch,	Maetze,	Tyler,
Frank,	Page,	Weisiger,
Garwood,	Pope,	Whatley.

On motion of Senator Johnson the absentees were excused for absence under this call.

House bill No. 565 passed by the following vote:

YEAS—22.

Burney,	Glasscock,	Potter,
Carter,	Harrison,	Simkins,
Clark,	Johnson,	Sims,
Crane,	Kimbrough,	Stephens,
Cranford,	Maetze,	Tyler,
Finch,	Page,	Weisiger,
Frank,	Pope,	Whatley.
Garwood,		

NAYS—None.

House bill No. 561, entitled "An act to diminish the civil and criminal jurisdiction of the county court of Menard and Hemphill counties."

Read second time with a favorable committee report.

Senator Burney offered the following amendment:

Amend by adding the word "Coke" after the word Hemphill wherever it occurs in the caption and different sections of the bill.

Adopted.

Bill passed to a third reading.

Senator Stephens moved to suspend the constitutional rule requiring bills to be read on three several days, and that the bill pass to a third reading and final passage.

Adopted by the following vote:

YEAS—22.

Burney,	Glasscock,	Potter,
Carter,	Harrison,	Simkins,
Clark,	Johnson,	Sims,
Crane,	Kimbrough,	Stephens,
Cranford,	Maetze,	Tyler,
Finch,	Page,	Weisiger,
Frank,	Pope,	Whatley.
Garwood,		

NAYS—None.

Bill read third time and passed by the following vote:

YEAS—22.

Burney,	Glasscock,	Potter,
Carter,	Harrison,	Simkins,
Clark,	Johnson,	Sims,
Crane,	Kimbrough,	Stephens,
Cranford,	Maetze,	Tyler,
Finch,	Page,	Weisiger,
Frank,	Pope,	Whatley.
Garwood,		

NAYS—None.

House bill No. 572, entitled "An act to amend section 5 of an act to create the county of Coke out of Tom Green county, and to provide for its organization," approved March 13, 1889.

Read second time with a favorable committee report.

Bill passed to a third reading.

Senator Burney moved to suspend the constitutional rule requiring a bill to be read on three several days and that the bill pass to a third reading and final passage.

Adopted by the following vote:

YEAS—22.

Burney,	Glasscock,	Potter,
Carter,	Harrison,	Simkins,
Clark,	Johnson,	Sims,
Crane,	Kimbrough,	Stephens,
Cranford,	Maetze,	Tyler,
Finch,	Page,	Weisiger,
Frank,	Pope,	Whatley.
Garwood,		

NAYS—None.

Bill read third time and passed by the following vote:

YEAS 22.

Burney,	Glasscock,	Potter,
Carter,	Harrison,	Simkins,
Clark,	Johnson,	Sims,
Crane,	Kimbrough,	Stephens,
Cranford,	Maetze,	Tyler,
Finch,	Page,	Weisiger,
Frank,	Pope,	Whatley.
Garwood,		

NAYS—None.

House bill No. 569, entitled "An act to restore to and confer upon the county court of Travis and Bandera counties the civil and criminal jurisdiction heretofore belonging to said courts under the constitution and general laws of the state, and to conform the jurisdiction of the district court of said counties to such change and to repeal all laws in conflict with the act."

Read second time with a favorable committee report:

Senator Stephens offered the following amendment:

Amend by adding to the caption and bill the word "Carson" after the word "Travis" wherever it appears in the caption and the bill, so as to restore the jurisdiction of Carson county.

Adopted.

Bill passed to a third reading.

Senator Glasscock moved to suspend the constitutional rule requiring a bill to be read on three several days and that the bill pass to a third reading and final passage.

Adopted by the following vote:

YEAS—22.

Burney,	Garwood,	Pope,
Carter,	Glasscock,	Potter,
Clark,	Harrison,	Simkins,
Crane,	Johnson,	Sims,
Cranford,	Kimbrough,	Stephens,
Finch,	Maetze,	Tyler,
Frank,	Page,	Weisiger,
		Whatley.

NAYS—None.

Bill read third time, and passed by the following vote:

YEAS—21.

Burney,	Glasscock,	Potter,
Carter,	Harrison,	Simkins,
Crane,	Johnson,	Sims,
Cranford,	Kimbrough,	Stephens,
Finch,	Maetze,	Tyler,
Frank,	Page,	Weisiger,
Garwood,	Pope,	Whatley,

NAYS—None.

Senator Tyler moved to postpone pending business and take up out of its regular order Substitute House bill No. 39, entitled "An act to amend chapter 1, title 62 of the revised civil statutes of Texas relating to limitation of actions for land by adding thereto articles 3195a and 3195b."

Adopted and bill read second time with a favorable committee report.

Bill passed to a third reading.

Senator Tyler moved to suspend the constitutional rule requiring a bill to be read on three several days and that the bill pass to a third reading and final passage.

Adopted by the following vote:

YEAS—21.

Burney,	Garwood,	Pope,
Carter,	Glasscock,	Simkins,
Clark,	Harrison,	Sims,
Crane,	Johnson,	Stephens,
Cranford,	Kimbrough,	Tyler,
Finch,	Maetze,	Weisiger,
Frank,	Page,	Whatley.

NAYS—None.

The bill was read a third time and passed by the following vote:

YEAS—22.

Burney,	Glasscock,	Potter,
Carter,	Harrison,	Simkins,
Clark,	Johnson,	Sims,
Crane,	Kimbrough,	Stephens,
Cranford,	Maetze,	Tyler,
Finch,	Page,	Weisiger,
Frank,	Pope,	Whatley.
Garwood,		

NAYS—None.

The following message was received from the House:

HALL HOUSE OF REPRESENTATIVES,
 TWENTY SECOND LEGISLATURE.
 Austin, Tex., March 21, 1891.

Hon. Geo. C. Pendleton, President of the Senate:

Sir—I am directed to inform you that the House has adopted the conference reports on substitute House bills Nos 24 and 167 and Senate bill No. 3, also of the passage of the following bills:

House bill No. 106, "An act to provide for the issuance of certificates to teachers in the public schools of Texas, and prescribing their duties as such."

House bill No. 461, "An act for the protection of the wool growing interests of the State of Texas, and to repeal chapter 54 of the acts of the Eighteenth Legislature, approved April 4, 1883, and chapter 14 of the acts of the Nineteenth Legislature, approved February 20, 1885."

Senate joint resolution No. 12, "Joint resolution confirming the location of the boundary line established by the United States commissioner between No Man's Land and Texas and New Mexico and Texas, under an act of Congress June 5, 1858."

Senate bill No. 148, "An act to provide the manner of collecting the interest and sinking fund on certain bonds held by the school fund of the State of Texas."

Respectfully,

GEO. W. FINGER,

Acting Chief Clerk, House of Representatives.

The following reports were handed in by consent:

COMMITTEE ROOM.

Austin, March 21, 1891.

Hon. George C. Pendleton, President of the Senate:

Sir—Your committee on incorporated cities and towns, to whom was referred House bill No. 326, entitled "An act to amend sections 6, 7, 26, 27, 28, 29, 30, 31, 34, 35, 36, 37, 47, 56, 57, 58, 64, 76, 78, 82, 85, 86, 87, 88, 95, 102, 109, 115, 143 and 159 of 'An act to incorporate the city of Fort Worth, and to grant a charter to said city, approved March 20, 1889, and by adding thereto sections 28a, 30a, 34a, 53a, 53b, 79a, 87a, 87b, 87c, 159a, 159b, 159c.'"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass

POTTER, Chairman.

COMMITTEE ROOM.

Austin, March 21, 1891.

Hon. Geo. C. Pendleton, President of the Senate:

Sir—Your Judiciary committee No. 2, to whom was referred

House bill No. 473, being "An act to amend chapter 1, article 13 of the penal code by adding thereto article 504a."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

TYLER, Chairman.

COMMITTEE ROOM,

Austin, March 21, 1891.

Hon. Geo. C. Pendleton, President of the Senate:

Sir—Your committee on Rules, to whom was referred

Joint resolution:

Resolved by the Senate, the House concurring, That the present session of the legislature do adjourn sine die on Monday, the 6th day of April, 1891, at 4 o'clock p. m., by Cranford,

Have had the same under consideration, and I am instructed to report the same back to the House with the recommendation that it do pass.

MAETZE, Chairman.

The following message was received from his Excellency the Governor:

EXECUTIVE OFFICE,

Austin, March 21, 1891.

To the Honorable Senate of the Texas Legislature:

Impelled by considerations I hope may be deemed worthy the high standing of our State, I must declare to your honorable body that I disapprove Senate bill No. 298, entitled "An act to authorize and empower the superintendent of the State penitentiaries of Texas to receive from the treasurer of the United States, in the name of the State of Texas, the bounty on sugar raised and manufactured on the State penitentiary convict farms in Texas," passed by the Legislature less than ten days ago.

In returning it to your honorable body where it originated, I submit the following as my reasons therefor:

The object of the bill is sufficiently expressed in the title to indicate its perversion of a fundamental principle in the maintenance of which alone can free institutions be preserved; and the methods by which the tempting fruit is to be gathered at so great a sacrifice imports humiliation to a proud state, if pursued, that must lead her to ignominy. It requires the state of Texas through the superintendent of penitentiaries to file notice with the

commissioner of internal revenue of the United States of the place of producing sugar cane and the manufacture of sugar on state convict farms for and on her account, together with a general description of machinery and methods to be employed in the manufacture of sugar. An estimate of the amount of sugar proposed to be produced by said state for the current or next ensuing year, to make application for license to produce sugar, to execute good and sufficient bond as provided by the laws of the United States governing such matters, to make application for the bounty on sugar and to receive from and receipt for it to the United States government.

The State has a sugar farm worked by convict labor, and it would seem that under an act passed by the last Congress she could get from the United States government two cents a pound as a premium on all sugar produced on it. The bill under discussion simply gives her the authority, by complying with the law of Congress, to accept the gratuity for the sugar. It in no way affects the rights of individuals. The question therefore is: Should the State take the "bounty?" My conviction is that it should not. To do so would commit her to an iniquitous precedent based on the policy of favoritism to the few at the expense of the many, which in time must lead to the government's destruction unless changed.

The law under which this "bounty" is offered by the United States is entitled "An act to reduce the revenue and equalize duties on imports, and for other purposes." By it the producer is required to apply, for and procure a license from, and give bond to the Commissioner of Internal Revenue, conditioned for the faithful observance of all the rules and regulations to be prescribed by the commissioner for the manufacture and protection of sugar. Besides being empowered to make the rules and regulations governing that industry, the said commissioner is required to "exercise supervision and inspection of the manufacture" of sugar. While to my mind the act is clearly unconstitutional, and, without reference to the organic law, is void and would be so held by a circumspect court, as Congress has seen fit to pass it, I shall base my action herein on other grounds.

The state is sovereign of her own

affairs and cannot be disturbed in the legitimate exercise of her prerogatives. If she desires to raise sugar by convict labor, under no circumstances could she with propriety ask or accept from any government a license to do so; nor could she yield to a supervision of her affairs by any officer not subordinate to her own laws. To do so in one instance would lead to another, and finally to supervision by the Federal government over the cotton patches, wheat fields, stock ranches, lumber yards and factories within her limits. Precedents by government usurpations become stronger than law. The worse they are, the more difficult to overthrow. When they are erected on the destruction of the Constitution, like this "bounty" act, the wrong which produced them strengthens as the fruits of the crime spread until they become fastened forever on the people.

There can be no more reason to support a bounty on sugar than on cotton, grain, tobacco or stock. Two cents a pound offered by the government is but the beginning. It is only a precedent. Let it stand and there must be a premium also on every article produced within the United States. With the premium goes the license; and coupled on to the license follows Federal supervision. So will end the last vestige of state sovereignty. For my part I shall protest and begin to strike now while the precedent is new. For no sum can the State afford to sacrifice principle, nor to imperil her sovereign rights. At best, our form of government is fast changing, not by the exercise of the inherent and inalienable right of the people in their sovereign capacity, but by the abuse of the taxing power on the part of congress in support of its lavish bounties to the favored classes who are able to lobby around it for spoils.

It is hardly decent to suppose that no measure is too monstrous for popular credulity when it embraces a proposition to dispense money under the name of "bounty" among the citizens. Insidious and deceptive as such methods usually are, no one can deny that at the heart of them there is corruption. It consists of the government collecting money to the impoverishment of the masses by which to gratify the greed of favorite classes. Tolerance of it by a free people finds support only in their ignorance. Lay bare the truth so they can understand

it, and their self-respect and honesty will support the hand that it strikes down.

It is a cardinal principle of the Democratic party, often publicly declared, that it is the duty of every branch of government to enforce and practice the most rigid economy in conducting public affairs; and that no more revenue ought to be raised than is required to defray the necessary expenses of the government, and for the gradual but certain extinction of the public debt.

The example and influence of Texas, standing as she does a prominent factor in this great party, ought to be arrayed on the side of this principle. In proportion to her prominence in support of such principles, the important, sacred duty devolving on her is increased to jealousy guard and maintain them. Resistance of all monopolies and exclusive legislation, for the benefit of the few at the expense of the many, in obedience to the will of the people, comports with her untarnished record and cannot fail to mark the course of her future except at the sacrifice of her honor and sovereignty as a State.

Respectfully,

J. S. Hogg.

Governor of Texas.

Senator Sims moved to reconsider the vote passing substitute House bill No. 39, and asked to have that motion spread upon the Journal.

Senator Page moved to lay the message of the governor on the table subject to call.

Adopted.

Senator Carter moved to postpone pending business and take up out of its regular order

Senate bill No. 280, entitled "An act authorizing the county commissioners court of each county to appoint a commissioner of deeds to execute conveyances in the name of the county of lands previously conveyed by such county when the records of such deeds have been destroyed.

Adopted and bill read second time with a favorable committee report.

The President gave notice of signing, and signed in presence of the Senate.

House bill No. 211, being a bill to be entitled "An act to amend section one (1) of an act entitled an act to amend section 46, chapter 25, of the acts of 1875, entitled an act to amend chapter 79 of the acts of 1883, entitled an act to amend chapter

48 of the acts of 1887, an act to amend section 46 of an act to encourage stock raising and to protect stock raisers. Approved April 22, 1879, and amended April 4, 1881, and April 12, 1880, and March 27, 1887, and March 29, 1889; also

House bill No. 275, entitled "An act to regulate rates of charges to be made by express companies for the transportation and delivery of all such articles of freight, money, papers and packages of any kind, to require such express companies to promptly deliver the same, and to make all such express companies subject to the constitutional regulation of the control and regulation of the railroad commission of Texas, and to prescribe penalties for the violation of this act."

Senator Carter offered the following amendment to the pending bill:

Amend by adding the following:

Section 2. The near approach of the close of this session creates an emergency and an imperative public necessity exists requiring that the constitutional rule requiring bills to be read on three several days be suspended and that this act take effect and be in force from and after its passage and it is so enacted.

Adopted.

Senator Glasscock offered the following amendment:

Amend the caption by adding thereto the following: And to validate deeds heretofore made by such commission.

Adopted.

The bill was ordered engrossed.

Senator Carter moved to suspend the constitutional rule requiring a bill to be read on three several days and that the bill pass to a third reading and final passage.

Adopted by the following vote:

YEAS—21.

Burney,	Garwood,	Potter,
Carter,	Glasscock,	Simkins,
Clark,	Harrison,	Sims,
Crane,	Johnson,	Stephens,
Cranford,	Kimbrough,	Tyler,
Finch,	Page,	Weisiger,
Frank,	Pope,	Whatley.

NAYS—None.

Bill read third time and passed by the following vote:

YEAS—21.

Burney,	Garwood,	Potter,
Carter,	Glasscock,	Simkins,
Clark,	Harrison,	Sims,
Crane,	Johnson,	Stephens,
Cranford,	Kimbrough,	Tyler,
Finch,	Page,	Weisiger,
Frank,	Pope,	Whatley.

NAYS—None.

Senator Harrison moved to postpone pending business and take up out of its regular order

Senate bill No. 167 entitled "An act to amend article 2335, title 40, chapter 1 of the revised civil statutes of the State of Texas, relating to property exempt from forced sale.

Adopted.

Bill read second time with favorable committee report.

(Senator Johnson in the chair.)

Senator Kimbrough offered the following amendment:

Amend by striking out all after the word "family" in line 8, subdivision 1, and add "and two bales of cotton" after the word "consumption" in line 7, subdivision 15.

A division being called for, the first division (to strike out) was adopted.

Senator Harrison moved to reconsider.

Lost by the following vote:

YEAS—10.

Carter,	Page,	Stephens.
Cranford,	Pope,	Tyler.
Harrison,	Simkins,	Whatley.
Johnson.		

NAYS—11.

Burney,	Garwood,	Potter.
Crane,	Glasscock,	Sims.
Finch,	Kimbrough,	Weisiger,
Frank,	Maetze,	

Senator Glasscock offered the following:

Amend the amendment by inserting before the word "two" the words "the first."

Lost.

Senator Potter offered the following amendment to the amendment:

Amend the amendment by striking out two and insert one.

Lost.

The second division of the amendment of Senator Kimbrough, to add "and two bales of cotton" after the word consumption, in line 7, subdivision 15, was adopted by the following vote:

YEAS—13.

Crane,	Johnson,	Potter,
Finch,	Kimbrough,	Simkins,
Garwood,	Page,	Stephens,
Glasscock,	Pope,	Weisiger,
		Whatley.

NAYS—9.

Burney,	Cranford,	Maetze,
Carter,	Frank,	Sims.
Clark,	Harrison,	Tyler.

Senator Harrison offered the following amendment:

Amend by striking out the enacting clause.

Lost by the following vote:

YEAS—9.

Burney,	Harrison,	Pope,
Clark,	Maetze,	Sims.
Glasscock,	Page,	Weisiger.

NAYS—13.

Carter,	Garwood,	Simkins,
Crane,	Johnson,	Stephens.

Cranford,
Finch,
Frank,

Kimbrough,
Potter,

Tyler,
Whatley.

The chair gave notice of signing and signed in presence of the Senate,

House joint resolution No. 12, to amend section 20, article 16, of the constitution of the State of Texas.

Also substitute House bill Nos. 24 and 167, entitled "An act to prohibit prize fighting and pugilism."

Senator Finch moved to reconsider the vote by which Senate bill No. 264, entitled "An act to regulate the practice of medicine and surgery and to create a State Board of Medical Examiners," was indefinitely postponed and asked to have that motion spread upon the journal.

Senator Glasscock moved to reconsider the vote adopting the amendment of Senator Burney to Senate bill No. 264, and asked to have that motion spread upon the journal.

Senator Burney made the point of order that the motion of Senator Glasscock was not in order, because there was another motion to reconsider pending.

Overruled by the chair.

Senator Carter moved that pending business be postponed.

Adopted.

Senator Carter moved that Senate bill No. 136, reported adversely by committee be recommitted to Judiciary committee No. 1.

Adopted.

Senator Stephens moved to reconsider the vote adopting the amendment of Senator Frank to House bill No. 236, and asked to have that motion spread upon the journal.

Senator Carter moved to recommit Senate bill No. 167 to Judiciary Committee No. 1.

Adopted.

Senator Page moved to postpone pending business and take up out of its regular order Senate bill No. 156, entitled "An act to amend article 2389, chapter 3, title 42 of the revised civil statutes as amended by an act passed at the regular session of the Sixteenth Legislature, and approved April 14, 1879, entitled an act to amend chapters 19 and 20 of title 29, and chapters 3 and 4 of title 42 of an act to adopt and establish the revised civil statutes of the State of Texas."

Adopted.

Bill read second time with the following committee amendment:

Amend by allowing clerks 1 per cent on all sums received and 1 per cent on all

sums paid out, provided that in no case shall his commission be over \$50.

The committee amendment was adopted.

Senator Kimbrough offered the following amendment:

Section 2. The near approach of the close of the present session of the Legislature creates an emergency and an imperative public necessity exists requiring the suspension of the constitutional rule requiring bills to be read on three several days and said rule is so suspended.

Adopted.

The bill was ordered engrossed.

By consent Senator Kimbrough presented the following committee report:

COMMITTEE ROOM,
Austin, March 21, 1891.

Hon. George C. Pendleton, President of the Senate:

Sir—Your committee on Engrossed Bills have carefully examined and compared

Senate bill No. 359, being "An act to incorporate the city of Denison in Grayson county, Texas, to fix the boundaries thereof and to provide for its government and the management of its affairs,"

And find the same correctly engrossed.

KIMBROUGH,
Acting Chairman.

Senator Page moved to suspend the constitutional rule requiring a bill to be read on three several days and that Senate bill 156 pass to a third reading and final passage.

Adopted by the following vote:

YEAS—20.

Burney,
Carter,
Crane,
Cranford,
Finch,
Frank,
Garwood,

Harrison,
Johnson,
Kimbrough,
Maetze,
Page,
Pope,
Potter,

Simkins,
Sims,
Stephens,
Tyler,
Weisiger,
Whatley.

NAYS—1.

Clark.

Bill read third time and passed.

By consent Senator Pope introduced the following bill:

To be entitled "An act to regulate railroads to run at least one train a day, Sundays excepted, upon which passengers shall be hauled."

The following message was received from the House:

HOUSE OF REPRESENTATIVES,
TWENTY-SECOND LEGISLATURE,
AUSTIN, Tex., March 21, 1891. }

Hon. George C. Pendleton, President of the Senate:

Sir—I am directed to inform you of the passage of the following bills:

Substitute Senate bill No. 228, "An act to amend an act entitled an act to incorporate the city of Waco, and to define its powers, approved February 19, 1889."

House bill No. 276, "An act to amend title 8 of the revised civil statutes of Texas by adding thereto article 101a."

House bill No. 428, "An act to amend an act entitled an act to amend an act to amend section 71, chapter 132, of an act passed at the regular session of the Twentieth Legislature, approved April 22, 1887, passed at the special session of the Twentieth Legislature, approved May 4, 1888, and further amended by the Twenty-first Legislature, approved April 3, 1889."

House bill No. 464, "An act for the relief of Madame Candelaria"

Respectfully,

GEO. W. FINGER,
Chief Clerk, House of Representatives.

HOUSE BILLS REFERRED.

House bill No. 461, entitled "An act for the protection of the wool growing interests of the State of Texas and to repeal chapter 54 of the acts of the Eighteenth Legislature," approved April 4, 1883, and chapter 14 of the Nineteenth Legislature, approved February 20, 1885.

Read first time and referred to committee on Stock and Stock Raising.

Also House bill No. 276, entitled "An act to amend title 8 of the revised civil statutes of the State of Texas by adding thereto article 101a."

Read first time and referred to committee on Penitentiaries.

Also House bill No. 464, entitled "An act for the relief of Andrea Castanon de Villanueva, otherwise known as Madame Candelaria."

Read first time and referred to committee on Education.

Also House bill No. 428, entitled an act to amend an act entitled an act to amend an act to amend section 71, chapter 132, of an act passed at the regular session of the Twentieth Legislature; approved April 22, 1887; passed at the special session of the Twentieth Legislature, approved May 4, 1888; and further amended by the Twenty-first Legislature; approved April 3, 1889.

Read first time and referred to committee on Education.

Also House bill No. 106, entitled "An act to provide for the issuance of certificates to teachers in the public schools of Texas, and prescribing their duties as such."

Read first time and referred to committee on Education.

Senator Frank moved to postpone pending business and take up out of its regular order

Senate bill No. 358, entitled "An act to validate the corporate existence of certain cities and towns in Texas, and to validate certain acts done and performed by such cities and towns."

Adopted and bill read second time.

Senator Finch moved to excuse Senator Weisiger for yesterday on account of sickness.

On motion of Senator Harrison, Senator Clark was excused for yesterday on account of sickness.

Senator Page moved to excuse Senator Kearby till Wednesday night on account of important business.

The motion was lost not receiving a two-thirds vote, as follows:

YEAS—14.

Burney.	Glasscock,	Simkins,
Crane,	Harrison,	Sims,
Cranford,	Maeze,	Tyler,
Finch,	Page,	Weisiger.
Garwood,	Pope,	

NAYS—8.

Carter,	Johnson,	Stephens,
Clark,	Kimbrough,	Whatley.
Frank,	Potter,	

Senator Simkins moved to adjourn to 8 p. m. this day.

Senator Kimbrough moved to adjourn to 3 p. m. this day.

The motion of Senator Simkins was adopted by the following vote:

YEAS—14.

Burney,	Harrison,	Simkins,
Clark,	Johnson,	Sims,
Crane,	Meatze,	Weisiger,
Cranford,	Page,	Whatley.
Garwood,	Pope,	

NAYS—8.

Carter,	Glasscock,	Stephens,
Finch,	Kimbrough,	Tyler.
Frank,	Potter,	

EVENING SESSION.

SENATE CHAMBER.

AUSTIN, March 21, 1891. }

The Senate met pursuant to adjournment.

Lieutenant Governor Pendleton in the chair.

Roll called.

Quorum present.

The president directed the secretary to notify the House that the Senate had convened and awaited their presence.

The House was announced at the bar of the Senate, when the Speaker of the House was invited to a seat on the right of the president and the members to seats assigned them.

JOINT SESSION OF BOTH HOUSES.

Lieutenant-Governor Pendleton in the chair.

The Speaker occupied a seat on the right of the President.

President Pendleton introduced the Hon. George Clark, the orator of the evening, who presented the portrait of Judge Williamson to the State and the Senate on behalf of the donor in the following address:

Mr. President and Senators:

This picture is a true and life-like representation of one of the old fathers of Texas, a member of Austin's colony, the friend of Houston, the com-patriot of Jack and of Archer and Wharton, the trusted counselor of Milam, the intimate associate of Travis and of Johnston, the Mirabeau of our revolution. A man whom it were base flattery to call "the noblest Roman of them all," for Rome, even in the palmiest days of her grandeur never had such a man.

This is a true picture of "Three Legged Willie," painted as he would have had himself painted in life—just as he was.

As we gaze upon that face and recall again the earlier days of our most romantic history, it would seem that Providence, in the exercise of His beneficence to man, had purposely raised up and gathered together in Texas, from the four corners of the earth, an array of giants to do His work; for indeed it may be truly said there were giants in those days. Few in numbers, but with a resolution of purpose that recognized no such word as fail, they came upon this fair land as the vanguard of a mighty civilization, destined to overshadow and destroy all other civilizations upon the earth, and to culminate, in the not very distant future, in a mighty and universal brotherhood of the human race.

I leave their deeds of heroism upon the tented field to be discussed by others. The world already knows how they did and died for Texas, and with their good swords raised to heaven, redeemed their pledges to each other and to posterity that Texas of right ought to be, and should be, free, sovereign, and independent. The poet has sung their deeds of war and the historian has dwelt at length upon the causes and conditions which led to hostilities, as well as the details of the magnificent conflict, which at last brought peace to this land. We need

not trouble ourselves to perpetuate the martial deeds of the soldiers, for they perpetuate themselves.

Deep down in the human heart there is an abiding admiration for the man who deliberately takes his life in his hands and goes upon the field of battle to defend his conviction of truth and right. History loves to dwell upon his deeds and to reiterate the more than thrice told tale of how he fought for his country and perhaps gave to it his life; and no matter from what distance we view him, or from what standpoint, his genius and prowess stand out always the more prominent.

But mere soldiers never make states. This is the work of a different order of man. States perish or become great according as their foundations are laid. If the science of a broad and comprehensive statesmanship is applied at the beginning, the state will grow great and powerful in spite of temporary obstacles and embarrassments. But if this master workmanship be wanting when the corner stone is laid, the edifice will surely topple when the storms come, and perhaps may fall of its own weight. I have sometimes thought that we have done an unintentional injustice to the fathers of Texas.

We often think of their prowess as soldiers, and never weary in recounting to our children their deeds of heroism.

But we are prone to forget that this was the smallest part of their contribution to civilization and to humanity.

San Jacinto might have been won by barbarians, for even barbarians love liberty, but Texas could only have been made by patriots and statesmen. The men who fought there knew that victory meant only the beginning of their task, and the echoes of the "Twin Sisters" had scarce died away; before they set themselves to the grand work of laying the foundation and erecting the frame-work of a great State.

Hitherto the boast of English speaking people, that every man's house was his castle, into which even the king could not enter except upon invitation, had been only partially true. The king perhaps could not cross the sacred threshold, but his sheriff could; and after entrance seize upon the household goods and household gods of the unfortunate, and drive their loved ones out into the cold

world without shelter, food, or raiment. How queer it is that this barbarism was first arrested by the old fathers of Texas, who sat and deliberated in a log hut for a capitol. It seems strange now, as we look backward, that no other civilized people detected a wrong in the merciless seizure of the home by the officer of the law, and that it remained for the pioneers of Texas to establish and promulgate a great principle in the economy of government, which has been since adopted and followed by every American state and territory. The world owes to Texas the conception of this grand idea, that the homes of a free people are above the law and beyond the law, and that no matter how urgent the demand, no matter the misfortune that may betide, or the consequences that may follow, the abiding place of the family shall be sacred. In the storms that are sure to come, this will be the sheet anchor of our safety for the preservation of the home begets patriotism and conservatism; and capital, which is ever seeking the unfortunate for investments, can never lay its hand upon these people and make them aught but free men. Other states and other people are today being crushed and ground to earth by a false and foolish mania that cheap money can be borrowed upon the pledges of the home, without detriment to the commonwealth. But here in Texas the fallacy could never take root owing to the forethought of our old fathers, and Texas, secure in the safety of its homes, is ready to ride the storm and to laugh when fear cometh to others. Accursed be the man who would lay his unballowed hand upon this sanctuary and destroy it under the miserable plea that it stands as a bar to the progress of the State. And blessed be the men who conceived and carried out the grand idea of the homestead, of whom "Three Legged Willie" was the chief.

Another thought that seemed to pervade the minds of our early fathers in the construction of our government, was to banish "the quirks and quibbles of the law," so that our courts should be able to dispense speedy and substantial justice to the citizens without embarrassment, delay or chicanery. I am not sure that we, their sons and successors, have altogether carried out their ideas in this regard, but that is our fault, not theirs. They set us a splendid example (which perhaps

we should blush for not perfecting and following) by abolishing without ceremony the forms and fictions of English common law pleading, as well as all distinctions, so far as remedial rights were concerned, between law and equity. Here again the Texan patriots, clad in buck skin, became advanced pioneers in substantial reform and taught the world another new lesson in government. The code practiced in most of the states today is the fruit of Texas example and inspiration. These old forms and ceremonies of the common law had hitherto been regarded as something sacred, no more to be changed or varied than the lettering of the Holy Book. Yet these old fathers saw that, in most instances, they tended to retard justice, if not to defeat it altogether, and they laid their hands on it and destroyed it.

Had their successors but carried out the work so gloriously begun, Texas today would not be suffering under the opprobrium which follows clogged justice, her dockets overburdened and her people denied trials in their own courts by means of the law's delays. But the "shyster" and the "pettifogger" has since been abroad in the land, imagining and predicting dire results inevitably to follow the simplification of precepts and remedies. These characters honestly see starvation ahead of the lawyers if they are denied the blessed privilege of quashing an indictment because some word is misspelled. "Three-legged Willie" and his compatriots did not believe this, and if we are but true to ourselves we will master the lesson they taught, abolish needless forms, simplify procedure, and thus give to our people what they have again and again demanded in their organic laws. Speedy public trials. And if that man had lived in this day he would lead in such movement as he led fifty years ago in the first attack upon useless forms and ceremonies in the administration of justice.

Another prominent idea in the minds of our fathers was the necessity of a general diffusion of education among the people of the state. The deprivation of this right constituted one of their grievances against the parent country; and in the formation stages of their own government, attested the sincerity of their convictions by providing most liberally for the cause of public education. Indeed, so liberal has been their

provisions, a lapse of fifty years finds us quarrelling among ourselves as to how we shall spend it. If the old patriots who gave it to us could now speak with us face to face, they would tell us to discuss our differences in the generous spirit of a common brotherhood, free from bitterness and calumny which always recoil upon their projectors; and to see to it, with a united purpose, that this sacred fund be guarded as we guard the honor of our women. If the despoiler should dare reach forth his unhallowed hand to seize upon it for his own base and selfish purposes, let the withering scorn of a righteous public opinion drive the foul and loathsome apostate through the land, scourged upon his naked back with scorpion lash amid the hisses of an outraged people. For heroes died that we and our children and our children's children might enjoy the blessings of this fund, sacredly dispensed each year in the holy cause of popular enlightenment and elevation.

And "Three Legged Willie" and his compatriots gave it their blessing, before they died.

But why go further in enumerating the many other ideas prominent in our early days? Not only this but many nights could be spent in recounting to each other the manifold features which characterized the formative period of our history.

I have only referred to one or two of the more prominent, in order to demonstrate, especially to our young people, the magnificent thought and statesmanship of those men who redeemed and made Texas, and with and among whom Robert M. Williamson lived and labored, *primus inter pares*.

In addressing myself to the man as he was, I am admonished by my own instinct that my powers are wholly inadequate to the task. To properly delineate him, lawyer, judge, statesman, soldier and patriot, he who essays the task should have known him in life, have seen him upon the field, been with him in the council and at the bar, and mingled with him in the daily walks and conversations which go to make up human life. History at best deals only in fragments, and tradition often loses its thread in the memories of men.

Only a few, very few, comrades of Judge Williamson are still spared to us, and to these we are indebted for

the glimpse obtained of his achievements and character.

Of Scotch descent, he came of good old revolutionary and fighting stock, his grandfather having been a colonel in Washington's army, and his father a soldier of our later war with Britain. Endowed by nature with a broad intellect, with splendid powers of analysis and of oratory, and an energy of purpose and inflexibility of will rarely equalled, he naturally turned to the bar as a proper field for his labors, and at once sprung into prominence as a lawyer in his native state and Georgia, and in the adjoining state, Alabama, to which he moved. The years 1828-9 found him a citizen of Texas, and here his fame as an orator and statesman was won.

The troubles and oppressions of the colony appealed most strongly to his manhood and patriotism, and his clarion voice was soon heard for liberty and independence. The nature of the man admitted neither of truckling nor compromise. He was an absolute separationist from the beginning. A bold champion of the rights of the people of Texas, not only to self government, but unqualified independence. With a patriotism and an eloquence at least equal to Patrick Henry, conjoined with a ruggedness of expression that Henry never possessed, and which often swept his audience like a cyclone, he went before the people of the several colonies, and preached the gospel of a pure and unadulterated liberty. The fires of patriotism he kindled were soon burning with bright fervor. A mere handful of patriots resolved to be free, and then followed in quick succession the affairs of Turtle bayou, Anahuac, Velasco—which quickened the revolution into life, and then the storming of Bexar, the heroic holocaust of the Alamo, the butchery of Goliad, the splendid and decisive victory at San Jacinto, and then free Texas! The best historian of Texas (so far) pays this just tribute to the man of whom I speak: "That after thorough and minute investigation of the records and history of Texas, he was constrained to say that Robert M. Williamson had done as much, if not more, than any other man in precipitating and sustaining the revolution of 1835-'36." This is the verdict of contemporary history, and will be the verdict of posterity for all time. With a price upon his head that betokened no quarter if captured,

singled out with William B. Travis and others from all his compatriots, as an object of special vengeance by the usurper and invader, he faced the storm, defied the tyrant, redoubled his almost superhuman efforts to free his country, knowing that his good life would be the penalty for a failure, and won by the blessing of God.

Soon after the inauguration of the new government, he was appointed a judge of one of the district courts, which made him ex-officio a member of the Supreme Court. After that he was Senator in Congress, or Representative in the lower House of the republic or state, until the close of his public career, about 1850 or 1851. A few of his old fellow-Senators or members still left to us, love to dwell upon the man, and never tire in recounting his splendid bursts of eloquence, his withering sarcasm and ridicule, his keen sense of humor that often destroys an adversary with a single shaft, his absolute freedom from fear, and his unwavering honesty. Many of the great measures of legislation in use and effect today bear the imprint of his genius, and the jurisprudence of the State is indebted to him for some of its most salutary features. He passed away from us in the year 1859 at his home in the good county of Wharton, a county rich in reminiscence and in the deeds of her many eminent sons she has given to the State.

In looking over the career of Judge Williamson, if I were called upon to select the most prominent of his many prominent characteristics, I should say that his greatest virtues were sterling honesty, inflexible patriotism and abnegation of self. He was too big a man to think of himself, too honest to build himself up at the expense of others, and too patriotic to tolerate with any degree of patience any measure that could by remote possibility tend to injure the State or destroy the rights of the people. He belonged to his friends and not they to him. His warm and generous nature forbade him to refuse a favor, and his knightly courage never permitted him to turn his back upon a foe. In all the corruption naturally incident to the revolution and the acquisition of a princely landed domain by the public, he walked upright before God and man, and came out without the smell of fire even upon his garments. Nay, better even than that. He was ever the implacable foe of the land thief, and the defender of the people's

heritage. His eagle eye always saw through the flimsy veil of the jobber, and detected at a glance the sinister purpose attempted to be concealed under the disguise of the public good; and every act and vote and thought of the man during his long and eventful career in our legislative halls attest his nobleness of soul and his incorruptibility of purpose. He was always and upon all occasions the people's steadfast friend and never spoke to them with a forked tongue. Too honest to tolerate deception, he despised with loathing unutterable the slimy acts of the demagogue and crushed with his denunciation the tricks of the politician. Men always knew how and where he stood and his simple word constituted his bond. And yet he carried in his breast a heart full of loving kindness for all, and a charity bounded only by the limits of his resources. Take him all in all we scarce shall look upon his like again. Faults he had like other men, but those faults sprang from the youthful buoyancy of a heart that refused to grow old with age. He loved "the boys" and he remained one of them until he died.

He may not have suited these times, but the man and the hour met in the rugged days of our earlier history and the man was always equal to the hour. In debate upon the hustings he was matchless. In forensic tilts with his professional brethren at the bar he may have been equalled by some, but he was excelled by none. In the councils of the State he was a patient investigator in committee, but a very thunderbolt upon the floor. Upon the bench he was the urbane judge and finished gentleman, tolerant of argument, painstaking in conclusion and inflexible in judgment. Tradition informs us that on one occasion he was especially commissioned by the president of the Republic to go to a distant county (which shall be nameless) and there hold a term of court. The county was torn and rent with factions, and instead of raising crops the people had been devoting themselves chiefly to the task of cutting each other's throats. As a consequence no courts had been held for years in the county, and none was wanted, for the obvious reason that it would prove excessively inconvenient to most of the citizens to be forced to plead to indictments for murder. Just before court convened a large mass meeting of citizens was

held, which adopted a resolution that no court should be held. When Judge Williamson took his seat upon the bench a lawyer arose, and after a few preparatory remarks read the resolution and sat down. The court room was crowded with armed and angry men, determined to carry their point. The judge blandly asked the lawyer if he could cite any law for such a proceeding, as it appeared novel to him. The lawyer arose, and pulling out a bowie knife, laid it on the table and said: "This is the statute which governs in such cases." Quick as thought, and with an eye flashing fire, the judge drew a long pistol, threw it down on the lawyer, and in tones that meant much more than was said, replied: "And this is the constitution which overrides the statute. Open court, Mr. Sheriff, and call the list of grand jurors for the term." The court was held, and without any conflict between the "statute" and the "constitution." An old friend of Judge Williamson, who himself has borne a most distinguished part in the affairs of state, writes of him now as follows:

"Upon the organization of the government of the Republic, Judge Williamson was solicited to fill the important position of judge of the third judicial district. He then removed his residence to Washington county, where he continued to reside till about two years previous to his death. To evolve law and order out of the wild and discordant elements of a revolutionary and frontier people is no slight undertaking. The restraints of family and the checks which society impose on other and better regulated communities, were powerless here. The wild and daring spirits attracted hither by the love of excitement and adventure too frequently after the war was over degenerated into lawless recklessness. To restrain and subdue this spirit, no more judicious appointment could have been made. To great force of character and undaunted personal courage Judge Williamson united great suavity of manner and calmness of judgment. These qualities inspired the admiration and commanded the love and respect of the bold borderers. Did time and space permit, I might enrich this sketch with many an amusing anecdote of that period. After successfully establishing regular judicial proceedings and inaugurating the new order of things consequent upon the achievement of our independence Judge Williamson withdrew

from the bench. From this time until about the year 1840 he resumed the practice of law.

He was induced then to become a candidate to represent Washington county in the congress of the republic; was easily elected, and from that time until 1850, with but a single exception, he represented that district in one or the other branch of the Legislature. In the stormy times which followed the dissolution of one form of government and preceded the institution of another, Judge Williamson wielded a controlling influence. While it is not claimed for him that he originated many great measures yet as a conservative power his influence was widely felt and acknowledged. He stood ever as a faithful and incorruptible sentinel over the rights and interests of the state. Having no selfish ambition to gratify, careless of money to a fault, he was inaccessible to the threats or flatteries of the cormorants whose object it was to prey upon the public treasury or the public domain. Individuals who had bills of doubtful merit before Congress or the Legislature feared the sleepless eye and withering invectives of Williamson more than the opposition of all others. The good that he thus achieved for the country is incalculable.

When mad extravagance ruled the hour and the country seemed on the verge of destruction, his voice was heard loudest in stern rebuke of such evil practices. In the darkest hours of the republic, (in 1842) when peace and credit and even life itself had almost fled from our midst, again his clarion notes were heard cheery and blithe and hopeful to the end. He deserved the guerdon of merit which the Roman Senate awarded Vairo when the Carthaginians were assaulting the very gates of Rome. For, says the historian, while the weak fled in dismay and the bold trembled, he alone did not despair of the republic.

When the great question of annexation came to be considered in 1845, Judge Williamson was its unflinching advocate. He was a member of the Congress of the Republic of Texas which accepted the overture of the United States and ratified President Jones' call for a convention and the apportionment of representation (a most difficult and delicate point). The stirring events of the past ten or fifteen years had not been favorable to study. The exciting political questions of the day opened a wider field

to the ardent temperament of Williamson, and after once engaging therein, he never again regularly resumed the practice of his profession. His last appearance before the public was as a candidate for congress, when he was defeated by a few votes by the Hon. Volney E. Howard. The result was attributed by Judge Williamson's friends to the late period at which he was announced, and to his want of acquaintance on the Rio Grande, where a large vote was polled. From that time he led a quiet and retired life upon a small farm near Independence, in Washington county, devoting himself exclusively to the education of his children. Although his opportunities for acquiring wealth and independence was unequalled by those of any other man, yet he was of such a generous and improvident nature that he was often embarrassed in his pecuniary affairs. Like Mr. Jefferson, Mr. Monroe and many other greater men, he not infrequently felt the iron pressure of "Res Angusta domi." It may be stated as creditable to his integrity, that in the midst of corruption and speculation, he lived and died in poverty. He was in many respects a remarkable man. He possessed a wonderful hold upon the affections of the masses, over whose passions and sympathies his control was unbounded. The reckless daring of his own character contributed largely to this influence. This, aided by a generous, unselfish spirit, to captivating manners, made him, wherever known, the idol of the people. Inaccessible to threats or bribes, he was an upright and honest judge, who unflinchingly administered the law. In congress and the legislature, he had no selfish purposes to subserve. He was ever the watchful guardian of the people's rights. His intercourse with his brethren of the bar was marked by great courtesy. Toward the younger members he ever extended a helping hand, and breathed a kind word of encouragement. The writer is but one of hundreds who remember gratefully the kindness extended to them in days long past by Judge Williamson. The eloquence of Judge Williamson more nearly resembled that of John Randolph than of any other historical character.

When fully aroused there was a fire and vigor in his speech that surpassed description. True there was quaintness and eccentricity, but it was al

stamped with the dignity and power of genius.

He was not only a wit of the first class, but a humorist also; and like all great humorists he bore a burden of melancholy which was only brightened by these sudden sallies, as the storm clouds are illumed by the sheet lighting.

In an appeal to the people and as an advocate before a jury he was unsurpassed."

And now, gentlemen of the Senate, with a loving heart, and with filial pride most commendable, his son born amid the stirring scenes which demonstrated his father's greatness, presents this picture to the State to adorn the walls of this chamber. As a work of art it speaks for itself and reflects lustre upon the artist. But as a picture of a great patriot, it is meet and proper that every child of Texas who may hereafter study our history, should look upon that face and draw therefrom the inspiration of a patriotism that loved Texas more than all things else, and never faltered in the defense of her rights or the protection of her honor.

Men may come and men may go, but in all the tide of time, and amid the splendor of a mature development, Texas will never have a more devoted son, nor one who served her more unselfishly than Robert M. Williamson. In the approaching struggle of the people for supremacy over the grasp and greed of capital, would God that another "Three-Legged Willie" could appear upon the scene as a great tribune of the people and like Thomas Jefferson, when he struck down the law of primogeniture, throttle and destroy the unlimited accumulation of wealth in families by placing a conservative limitation upon the power of testamentary disposition and the right of inheritance and thus relieve our posterity from the menace of a relentless landlordism. God will take care of the liberties of this people and circumstances will evolve the valiant defender of the true faith, endowed from on high with a courage and sagacity equal to the occasion and an honesty of purpose to which the howling demagogue of today is an entire stranger.

The president in behalf of the state and senate, received the portrait in the following address:

Because this is Texas, because this is the Senate of Texas, and because I am a Texan, proud of its wonderful his-

tory, its glorious memories, and its assured prosperous future, I feel glad to represent the Senate this evening in receiving and placing upon our walls the portrait of a man who was one of the most prominent and gallant actors in the agitation and discussion, and after in the struggles and conflict which culminated in the decisive battle of San Jacinto, and wrested from Mexico her fairest jewel, to dedicate it to liberty and make it the home of bold and fearless freemen. Even before the close of the revolution the Anglo Saxon wave pushed forward by the restless and adventurous spirit which seems to be a characteristic of the race, had in many places climbed the summits of the Alleghenies and driven back the Indians and buffalo, and planted their homes on the western slope.

The spirit was used and encouraged by Aaron Burr when he planned his ill conceived and disastrous expedition ostensibly designed to wrest the country to the southwest of the United States from the Spanish government.

His arrest, trial and disgrace, and the unsettled condition of the Spanish provinces had the effect for several years to discourage any further attempt for territorial extension either by war or immigration. Arriving in Texas in 1821, Stephen F. Austin found that an internecine war had depopulated the country of its few inhabitants and left it in primitive wildness and all the solitude of untouched nature, disturbed alone by the howl of the wolf, the bellowing of the buffalo and the war-whoop of the Indian.

Under contract with the Mexican government he introduced several hundred families. A few years later DeWitt Burnett Zavolla, DeLeon, Robertson and others, also made contracts and introduced colonies into various parts of the country. Arriving in the country in the year 1827, Judge Williamson located at San Felipe, the capital of Austin Colony. Bold, self-reliant and aggressive, he soon became a leader among men imbued with the same spirit as himself.

Mexico had treated the colonies kindly in granting them large concessions of land, and the future, as far as they could see, portended peace and prosperity under the flag of the Mexican Republic. The continual strife between contending parties in Mexico unseated the President Pedraza and elected Guereco, who was in turn deposed by Bustamente, but the Texans were far

distant from the scene, and felt but little interest in the result as long as their own local institutions were untouched. The rapid growth of Texas aroused the fears and excited the apprehensions of Bustamente; and to prevent the increase of population which he feared would not tamely submit to despotic power, he issued his celebrated decree forbidding any further concessions of land to foreign impressions. This was regarded by Texans as an attempt to prevent further immigration of their North American brethren and to cripple their growth and progress, and henceforth they began to watch the course of Mexican politics with more solicitude.

An army was sent to Texas ostensibly to protect the frontier, in reality to overawe the colonists. The fort at Anahuac was commanded by John Davis Bradburn, a renegade Kentuckian, who combined all the qualities of the tyrant and sycophant. Proud of his military command, and confident of his power, he violated the law, disregarded the civil authorities, and imprisoned some of the most prominent citizens in that municipality. This arbitrary conduct aroused the opposition of the Texans, who were determined to defend and vindicate their rights, even at the point of the sword. A large company of Texans, among them Judge Williamson, were hastily assembled and marched on the fort. A battle seemed inevitable, when Colonel Piedras, a superior commander, appeared, released the prisoners, and dismissed Bradburn from service.

The next years were filled with anxiety and apprehension. The Texans, seeing how little the Mexicans were fitted for self government, and seeing as they thought a growing disposition on the part of the government to oppress and deprive them of their rights, regardless of the guarantees of their constitution, sought first to secure separation from Coahuila to which they were bound by the ties of Statehood so that a separate State in the Mexican confederation they might through their own legislation pass their own laws and have the benefit of local self-government. But this did not suit Santa Anna, who had seized the reins of government and in the name of liberty established a despotism. Then for the first time they began to contemplate separation, as a remote pos-

sibility, yet not to be attempted until all other remedies had proved unavailing. The designs of the Mexicans to deprive them of their constitutional rights and control them by the unbridled will of an ambitious despot became daily more and more apparent. Finally in July 1835 an attempt was made to arrest Zavalla, Travis, Williamson and others for having committed no other crime except to warn the people of their danger and demand justice from the Mexicans. Those were indeed troublous times. Unroll the map of Texas, observe the great extent and observe that in all this vast territory there was a population not exceeding 30,000 white inhabitants. With 1,000 miles of frontier, extending from the Red river to the Rio Grande, constantly attacked by marauding Indians, these bold men, wedded to liberty and determined to defend it against all the power of the Mexican dictator, backed by his 8,000,000 of willing slaves, met in consultation at San Felipe and organized a provisional government, and placed an army in the field. Williamson was a member of this consultation and one of the most active leaders in the movement of independence.

The next few months were crowded with stirring events and fraught with danger, toil, conflict and bloodshed. The Mexican invaders were driven from San Antonio, Goliad and every point in Texas. Garrisons were left at these places, and for a short period the people rested in fancied security. But soon the scene was changed. Santa Anna with an immense army crossed the Rio Grande, marched on San Antonio, and surrounded the Alamo. For two weeks Col. Travis with his gallant band of 168 noble spirits, waged an unequal contest with the semi-barbarian Mexican hordes. The annals of history record no more gallant defense. Every soldier was a hero, willing to offer up his life for his country's liberty. Hurling his entire army on the fated fortress, Santa Anna effected an entrance, and commenced the most sanguinary and bloody struggle recorded in the history of modern times. When all was over, and nothing was heard but the groans of the dying and the shouts of the inhuman victors Santa Anna could say "That the Alamo had fallen but not until its defenders had slain four times their own number of his hireling soldiers." Not a man was

left to tell the story. "Thermopole had her messenger of defeat but the Alamo had none." Well may the pen of the historian, the song of the poet, and the pencil of the artist portray the scene. They offered up their lives, a sacrifice on the altar of liberty. Their bravery has given them a name and fame which has girdled the world, and will go sounding down ages to be remembered as long as man admires heroism or loves liberty. General Houston, commanding the Texan army retreated east from Gonzales. Fannier was captured and his entire army murdered in cold blood at Goliad. The advance of the Mexicans, preceded by stories of their cruelty, produced a panic among the people, and soon all the roads to the east were crowded with flying fugitives. Santa Anna avowed his intention to shoot every armed Texan and drive beyond the Sabine all of the Anglo-Saxon population. Believing that the Texans were afraid to meet him in open battle, and confident of an easy victory; relying on his overwhelming numbers, he relaxed his vigilance. There on the plains of San Jacinto, Texans, maddened with anger, and thirsting for vengeance, with the battle-cry, "Remember the Alamo," rushed upon him like so many hungry tigers, and in eighteen minutes the battle was over, the victory won, and the proud chieftain, speediest among his flying soldiers, was running wildly from the scene of his defeat.

A short time after this Napoleon of the West, as he called himself, was brought before Gen. Houston, a prisoner, and a suppliant for mercy.

This decisive battle secured the liberty and independence of Texas, and assured their existence as a separate republic. When times were darkest, and not a ray of sunshine illumed the future, when disaster followed disaster, Judge Williamson, though a cripple from his youth, was everywhere animating the Texans and endeavoring to inspire them with his own dauntless spirit. In giving this sketch of his life I have thought it best to discuss the scenes in which he participated and the results which they produced. Yet it would be incomplete without some reference to his character as a man, jurist and legislator. In 1836 he was district judge, from 1840 until annexation a member of Congress in the Texas Republic, and for several years

afterward a senator in the Legislature of Texas. He was in many respects a remarkable man, and had a wonderful hold on the affections of the masses; over their passions and sympathies his control was unbounded. The reckless daring of his own character contributed longer to his influence. This, aided by a generous and unselfish spirit, and captivating manners, made him wherever known the idol of the people. Inaccessible to bribes or threats, he was an upright and honest judge, who unflinchingly administered the law. In Congress and in the Legislature he had no selfish purpose to subserve, and was therefore the able and watchful guardian of the people's rights.

His intercourse with his brethren at the bar was marked by great courtesy. Towards the younger members he ever extended a helping hand and breathed a kind word of encouragement. His eloquence more nearly resembled that of John Randolph than of any other historical character. When fully aroused there was a fire and vigor in his speech that surpassed all discretion. In an appeal to the people, and as an advocate before a jury he was unsurpassable." The Texas Senate of which he was once a member, honors itself in perpetuating his memory.

"The lives of great men all remind us
We can make our lives sublime,
And departing, leave behind us
Footprints on the sands of time."

To the young men of our State, I say if you wish for examples of daring, of self sacrifice, of patriotism, of devotion to country; if you desire to kindle the fires of high resolve and seek to enjoy the gratitude of posterity, read the history of your own State, of the heroes of San Jacinto and the Alamo and learn how to live, and if need be how to die for your country. More than a half century has passed and few of the actors in these stirring scenes are left to tell the story. With silvered hair, sunken eyes, wrinkled brows and trembling footsteps they are leaving us one by one and soon the last survivor will have been gathered to his fathers.

They gained an empire and secured for us our present prosperity and greatness.

Ought not we from our abundance to lighten their cares, to smooth their departing moments and to prove that republics are not ungrateful.

Senator Page offered the following resolutions, which, on motion of Senator Tyler, were adopted by a rising vote:

Recognizing that of the least important of the many objects for which government is organized is to perpetuate the memory and virtues of those who distinguish themselves in the service of their state and country, who by their self-sacrificing patriotism earn the grateful appreciation and the abiding love of those for whom they labored.

Recognizing further, that the eminent statesman, upright judge and unselfish patriot, R. M. Williamson, in honor of whom these memorial exercises are held deserves pre-eminently to be remembered as one of the illustrious sons of Texas,

Therefore, be it resolved by the Senate and House of Representatives of Texas in joint assembly, that in behalf of the state, we tender to the generous donors of the splendid painting of R. M. Williamson the thanks of this assembly.

On motion of Senator Kimbrough the Senate adjourned to Monday at 10 a. m.

FIFTY-NINTH DAY.

SENATE CHAMBER,
Austin, March 23, 1891.

The Senate met pursuant to adjournment.

Lieutenant-Governor Pendleton in the chair.

Roll called.

Quorum present.

The following Senators answered to their names:

PRESENT—22.

Burney,	Garwood,	Page,
Clark,	Glasscock,	Pope,
Clemens,	Harrison,	Sinkins,
Crane,	Johnson,	Stephens,
Cranford,	Kimbrough,	Townsend,
Finch,	Lubbock,	Tyler,
Frank,	Maetze,	Weisiger,
		Whatley.

ABSENT—7.

Atlee,	Kearby,	Mott,
Carter,	McKinney,	Potter,
		Sims.

Prayer by the chaplain, Dr. Smoot.
Senator Page moved a call of the Senate, which was ordered.